

*Court Bulletin***St. Joseph's Health Care London Fined \$50,000 After Nurse Injured**

June 5, 2014

LONDON, ON - St. Joseph's Health Care London has been fined \$50,000 after a nurse was injured while providing medication to a patient in a hospital room.

On May 5, 2013, the nurse was administering medication to the patient at the Parkwood Hospital site at 801 Commissioners Road East in London. Leaving the bedside, the nurse lost balance and fell; a foot had become entangled in a cable attached to the bed check equipment in place on the patient's bed. The nurse's injuries included a fracture in one arm.

Dangling cords were a known hazard in the workplace and had been documented in the inspection records of the workplace joint health and safety committee. In this incident, the cord in question had not been secured by any means, although hooks, clips or Velcro had been previously identified as methods of securing cords.

A Ministry of Labour investigation found that the hospital failed to provide adequate information, instruction and supervision with respect to avoiding trip hazards associated with the cords that are part of the bed check equipment, contrary to Section 25(2)(a) of the Occupational Health and Safety Act. St. Joseph's Health Care London pleaded guilty to failing to protect the health or safety of the worker, and was fined \$50,000.

The fine was imposed by Justice of the Peace Michael A. Cuthbertson. In addition to the fine, the court imposed a 25-per-cent victim fine surcharge as required by the Provincial Offences Act. The surcharge is credited to a special provincial government fund to assist victims of crime.

Court Information at a Glance**Location:**

Ontario Court of Justice
824 Dundas Street
London, Ontario

Judge:

Justice of the Peace Michael A. Cuthbertson

Date of Sentencing:

June 5, 2014

Defendant:

St. Joseph's Health Care London
268 Grosvenor Street
London, Ontario

Matter:

Occupational health and safety

Conviction:

Occupational Health and Safety Act
Section 25(2)(a)

Crown Counsel:

Catherine Glaister

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CONTACTS

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Bruce.Skeaff@ontario.ca

Ministry of Labour
<http://www.ontario.ca/labour>

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Southwest Region
INFORMATION
DÉNONCIATION

ONTARIO COURT OF JUSTICE
COUR DE JUSTICE DE L'ONTARIO
PROVINCE OF ONTARIO
PROVINCE DE L'ONTARIO

Under Section 23 of the *Provincial Offences Act*
En vertu de l'article 23 de la *Loi sur les infractions provinciales*

Form / Formule 105
Courts of Justice Act
Loi sur les tribunaux judiciaires
R.R.O / L.R.O. 1990
O.Reg. / Règl. de l'Ont. O. 200

This is the information of Beth Nethercott
Dénonciation déposée par

of Ministry of Labour Inspector
de (occupation / profession)

I have reasonable and probable grounds to believe and do believe that / J'ai des motifs raisonnables de croire et je crois effectivement que
St. Joseph's Health Care, London 268 Grosvenor Street, London, Ontario, N6A 4V2
(name / nom)

on or about / le ou vers le 5th day of / jour de May, yr. / an 2013,
at Parkwood Hospital, 801 Commissioners Rd E London, Ont N6C 5J1
à (location / lieu)

did commit the offence of
a commis l'infraction de

failing, as an employer, to ensure that the measures and procedures prescribed by section 33(1)(a) of O. Reg. 67/93, as amended, were carried out at the Parkwood Hospital, 801 Commissioner's Road East, London, Ontario, contrary to section 25(1)(c) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.

2. AND FURTHER THAT St. Joseph's Health Care, London, 268 Grosvenor Street, London, Ontario, N6A 4V2, on or about the 5th day of May, 2013, in the City of London, South West Region, Province of Ontario, did commit the offence of failing, as an employer, to ensure that the measures and procedures prescribed by section 8 of O. Reg. 67/93, as amended, were carried out at the Parkwood Hospital, 801 Commissioner's Road East, London, Ontario, contrary to section 25(1)(c) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.

3. AND FURTHER THAT St. Joseph's Health Care, London, 268 Grosvenor Street, London, Ontario, N6A 4V2, on or about the 5th day of May, 2013, in the City of London, South West Region, Province of Ontario, did commit the offence of failing, as an employer, to ensure that the measures and procedures prescribed by section 9(1) of O. Reg. 67/93, as amended, were carried out at the Parkwood Hospital, 801 Commissioner's Road East, London, Ontario, contrary to section 25(1)(c) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.

4. AND FURTHER THAT St. Joseph's Health Care, London, 268 Grosvenor Street, London, Ontario, N6A 4V2, on or about the 5th day of May, 2013, in the City of London, South West Region, Province of Ontario, did commit the offence of failing, as an employer, to ensure that the measures and procedures prescribed by section 9(2) of O. Reg. 67/93, as amended, were carried out at the Parkwood Hospital, 801 Commissioner's Road East, London, Ontario, contrary to section 25(1)(c) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.

5. AND FURTHER THAT St. Joseph's Health Care, London, 268 Grosvenor Street, London, Ontario, N6A 4V2, on or about the 5th day of May, 2013, in the City of London, South West Region, Province of Ontario, did commit the offence of failing, as an employer, to ensure that the measures and procedures prescribed by section 9(4) of O. Reg. 67/93, as amended, were carried out at the Parkwood Hospital, 801 Commissioner's Road East, London, Ontario, contrary to section 25(1)(c) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.

See page 2 of the Information for counts 6 - 8

contrary to The Occupational Health and Safety Act section 25(1)(c); 25(2)(a) and 51(1)
contrairement à (au) article

LONG FORM - TWO OR MORE CHARGES
FORMULE COMPLÈTE - DEUX ACCUSATIONS OU PLUS

6. AND FURTHER THAT St. Joseph's Health Care, London, 268 Grosvenor Street, London, Ontario, N6A 4V2, on or about the 5th day of May, 2013, in the City of London, South West Region, Province of Ontario, did commit the offence of failing, as an employer, to provide information, instruction and supervision to a worker to protect the health or safety of the worker, contrary to section 25(2)(a) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.

Particulars: The defendant failed to provide adequate information and instruction to a worker with respect to reporting critical injuries to the Ministry of Labour.

7.. AND FURTHER THAT St. Joseph's Health Care, London, 268 Grosvenor Street, London, Ontario, N6A 4V2, on or about the 5th day of May, 2013, in the City of London, South West Region, Province of Ontario, did commit the offence of failing, as an employer, to provide information, instruction and supervision to a worker to protect the health or safety of the worker, contrary to section 25(2)(a) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.

Particulars: The defendant failed to provide adequate information, instruction and supervision with respect to avoiding trip hazards associated with the cords that are part of the bed check equipment.

8. AND FURTHER THAT St. Joseph's Health Care, London, 268 Grosvenor Street, London, Ontario, N6A 4V2, on or about the 5th day of May, 2013, in the City of London, South West Region, Province of Ontario, did commit the offence of failing as an employer where a person is critically injured from any cause at a workplace, to immediately notify an inspector by telephone or other direct means and, within forty eight hours after the occurrence, to send to a Director a written report of the circumstances of the critical injury which occurred at a workplace located at Parkwood Hospital, 801 Commissioner's Road East, London, contrary to section 51(1) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.



Sworn before me at the City of London
 Assermenté devant moi au City of London
 this 23 day of October, yr. 2013
 le 23 jour de October an 2013

Gordon Chagut
 Judge or Justice of the Peace in and for the Province of Ontario
 Juge ou juge de paix dans et pour la province d'Ontario

Bea Heenan
 Informant
 Dénonciateur

Sec. 24 / art. 24

Summons for _____, yr. _____
 Sommaton pour _____ an _____
 Confirmed on _____, yr. _____
 Confirmée le _____ an _____

Justice of the Peace
 Juge de paix

Date Date	Defendant Défendeur	Pleads / Plaide Guilty to Counts / Coupable sous les chefs	Pleads / Plaide Not Guilty to Counts / Non coupable sous les chefs	Found Guilty on Counts Déclaré coupable sous les chefs	Not Guilty on Counts Déclaré non coupable sous les chefs

Date In Absentia / Défaut de comparution

counts / chefs d'accusation

Fined \$ _____ & \$ _____ Costs. Time to pay _____
 Amende de \$ et \$ de frais. Délai de paiement _____

Date of Birth _____
 Date de naissance D I J M Y / A

Probation _____
 Période de probation de _____

Sentenced to Imprisonment for _____
 Peine d'emprisonnement de _____

withdrawn sentence suspended
 accusation(s) retirée(s) condamnation avec sursis

counts / chefs d'accusation

Fined \$ _____ & \$ _____ Costs. Time to pay _____
 Amende de \$ et \$ de frais. Délai de paiement _____

Date of Birth _____
 Date de naissance D I J M Y / A

Probation _____
 Période de probation de _____

Sentenced to Imprisonment for _____
 Peine d'emprisonnement de _____

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Probation _____
 Période de probation de _____

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 Peine d'emprisonnement de _____

withdrawn sentence suspended
 accusation(s) retirée(s) condamnation avec sursis

Judge or Justice of the Peace in and for the Province of Ontario
 Juge ou juge de paix dans et pour la province de l'Ontario